

1 **4** pages

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6 Attorney for Trustee

7 UNITED STATES DISTRICT COURT FOR THE  
 8 EASTERN DISTRICT OF CALIFORNIA

<p>9 In re:</p> <p>10 WILLIAM FREDERICK</p> <p>11 ST. CLAIR,</p> <p>12 Debtor.</p>	<p>Case No. 12-38363-A-7</p> <p>MC#: BLL-6</p> <p>Date: Nov. 9. 2015</p> <p>Time: 10:00 AM</p> <p>Dept: A</p> <p>Ct. Rm 28</p>
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13 MOTION FOR ORDER TO APPROVE SALE

14 1. This is the motion of John W. Reger, Chapter 7 trustee,  
 15 (Trustee) to approve sale of undisclosed personal property,  
 16 including a cause of action and disputed interest, to Robert Martin  
 17 for \$5,000. A copy of the proposed Agreement is filed herewith as  
 18 Exhibit "A".

19 2. The bankruptcy case of WILLIAM FREDERICK ST.  
 20 CLAIR (the Debtor) was filed as Chapter 13 case on October  
 21 16, 2012, and assigned case number 12-38363. The case was  
 22 voluntarily converted to Chapter 7 on April 23, 2014. John  
 23 Reger was appointed as Chapter 7 trustee (the "Chapter 7  
 24 Trustee") on April 24, 2014.

25 3. Property of the bankruptcy estate includes the following  
 26 Property, or the estate's interest in said property, herein after  
 27 referred to as the Property.

28 Motion (BLL-6)  
 Page 1 of 4

- 1 a. 2008 BixTex Utility Trailer, VIN  
2 16VDX!122682H14935, CA license plate no. 4KA8570.  
3 The Trailer is currently title to Robert Martin.  
4 b. 1955 Buick, VIN 6B2042420, CA license plate no.  
5 CGC332  
6 c. Each and every causes of action set forth in that  
7 certain Complaint For Return of Personal Property  
8 and For Damages, (Complaint) filed in the Butte  
9 County, California Superior Court as case no. 162956,  
10 on September 12, 2014.

11 4. The Property has not been disclosed by the debtor to the  
12 bankruptcy court, or the Chapter 7 trustee, in his bankruptcy  
13 schedules, or at all.

14 5. Robert Brian Martin acquired title to the BixTex Utility  
15 Trailer through a storage lien sale, post petition, without the  
16 knowledge or consent of the Chapter 7 trustee. A copy of the  
17 Certificate of Title is filed herewith as Exhibit "B".

18 6. The Buick is subject to a storage lien in favor of Robert  
19 Brian Martin in the claimed amount of \$2,120.00, plus  
20 additional storage fees which have accrued after June 12,  
21 2014. A copy of the Notice of Pending Lien Sale For Vehicle  
22 Valued \$4,000 or Less is filed herewith as Exhibit "C".

23 7. The Complaint was filed on behalf of the debtor post  
24 petition, on September 12, 2014, to recover the Trailer and  
25 Buick, and is based on pre petition facts and circumstances. A  
26 copy of the Complaint is filed herewith as Exhibit "D".  
27

1 8. A dispute has arisen between the Debtor and Robert  
2 Brian Martin regarding their respective rights and interest in  
3 the Property.

4 9. Robert Brian Martin has offered to purchase the estate's  
5 interest in the Property, in part to circumvent the dispute with  
6 the debtor, for \$5,000 cash, receipt of which is acknowledged.

7 10. Trustee has considered the expense, effort, time, and  
8 delay attendant to prosecuting an action to determine the  
9 estate's interest in the trailer, and to capture and sell the  
10 Property, or the estate's interest in said Property, together  
11 with the likely return from any private or public sale, and  
12 having exercised his business judgment has agreed to  
13 accept \$5,000.00 to sell the Property, or the estate's  
14 interest in the Property.

15 11. The proposed sale is subject to overbids and  
16 bankruptcy court approval,

17  
18 **Overbids:**

19 12. Trustee proposes that overbids in \$500.00 increments be  
20 allowed.

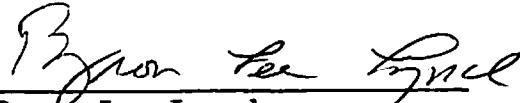
21 13. After notice and a hearing, Chapter 7 Trustee understands  
22 that the bankruptcy court may set the terms of overbids.

23  
24 **Authorities re the sale:**

25 14. Chapter 7 trustee's may sell property of the estate  
26 pursuant to 11 U.S.C. § 363(b)(1).

1 WHEREFORE, Plaintiff prays that the court authorize John  
2 Reger, in his capacity as Chapter 7 trustee of the above captioned  
3 bankruptcy estate, to sell the Property, and/or the estate's interest  
4 in the Property, for \$5,000.00. to Robert Brian Martin or the  
5 highest overbid amount.

6 DATED: September 29, 2015

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8 Byron Lee Lynch  
9 Counsel to JOHN W. REGER,  
10 Chapter 7 Trustee  
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